

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIMOTHY J. GAUTHIER, Trustee of the
Oregon and Southwest Washington NECA-IBEW
Electrical Workers Audit Committee, et al.

Case No. 3:20-cv-00222-YY

Plaintiffs,

OPINION AND ORDER

v.

VITRO ELECTRIC LLC,

Defendant.

MOSMAN, J.,

On June 2, 2020, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 16], recommending that I grant in part Plaintiffs’ Motion for Default Judgment [ECF 9]. No objections were filed.

LEGAL STANDARD

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121

(9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review of the F&R, I agree with Judge You's analysis. Therefore, I ADOPT her F&R [16] in full. I GRANT in part Plaintiffs' Motion for Default Judgment as follows:

Claim One (December 2019 contributions)

- Unpaid contributions of \$42,962.34
- Liquidated Damages of \$8,592.47
- Interest of \$818.83.

Claim Two (November 2019 contributions)

- Liquidated damages of \$8,363.00
- Interest of \$252.72

Claim Three (Breach of Contract)


- Wage withholding for December 2019 of \$6,033.77, with interest of \$114.06
- Interest on late November 2019 wage withholding of \$39.34

Fees and Costs

- Attorney's Fees: \$2,940
- Costs: \$465

IT IS SO ORDERED.

DATED this 31st day of July, 2020.


 MICHAEL W. MOSMAN
 United States District Judge